

1 Hon. Ronald B. Leighton
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JERRY R. McCARTY and SHERYL
11 McCARTY,

12 Plaintiffs,

13 v.

14 U.S. BANK, N.A. as Trustee for Chevy Chase
15 Funding LLC Mortgage Backed Certificates
16 Series 2006-2,

17 Defendant.

18 NO. C11-05078 RBL

19 ORDER GRANTING U.S. BANK'S
20 MOTION FOR SUMMARY
21 JUDGMENT AND FOR FINAL
22 JUDGMENT QUIETING TITLE AND
23 CANCELING *LIS PENDENS*

24 THIS MATTER having come before the Court on a Motion for Summary Judgment
25 and for Final Judgment Quietting Title and Canceling *Lis Pendens* brought by defendant U.S.
Bank, N.A. as Trustee for Chevy Chase Funding LLC Mortgage Backed Certificates Series
2006-2 ("U.S. Bank"), and the Court having reviewed the materials submitted in support of and
in opposition to the motion, the Court finds that no genuine dispute exists as to the following
facts:

26 1. The subject of the above-captioned matter is a residence located at 16923
27 Brasher Lane Southeast in Rainier, Thurston County, Washington, described legally as:

28 LOT 3 OF THURSTON COUNTY LARGE LOT SUBDIVISION NO.
29 LLS990756TC AS RECORDED APRIL 10, 2001 UNDER AUDITOR'S FILE
30 NOS. 3345559 AND 3345560, RECORDS OF THURSTON COUNTY,
31 WASHINGTON

32 ORDER GRANTING U.S. BANK'S MOTION FOR SUMMARY
33 JUDGMENT AND FOR FINAL JUDGMENT QUIETING TITLE
34 AND CANCELING LIS PENDENS - 1
(C11-5078RBL)

35 Williams, Kastner & Gibbs PLLC
36 601 Union Street, Suite 4100
37 Seattle, Washington 98101-2380
38 (206) 628-6600

1 (the “Property”);

2 2. U.S. Bank holds title to the Property by a Trustee’s Deed Upon Sale recorded on
3 November 2, 2011 under Thurston County Auditor’s File Number (“AFN”) 4236097;

4 3. Plaintiffs caused to be recorded a document entitled “AFFIDAVIT AND
5 MEMORANDUM OF INTEREST IN REAL PROPERTY” under AFN 4248324 (the
6 “Affidavit”);

7 4. Plaintiffs caused to be recorded a document entitled “Acknowledgement of
8 Acceptance of Grant Deed” under AFN 4257254 (the “Acknowledgement”);

9 5. Plaintiffs have offered no valid reason for recording the Affidavit and the
10 Acknowledgement and it appears they were recorded for no other purpose but to cloud the title
11 to the Property and to prevent or delay their eviction from the Property.

12 Therefore, the Court concludes that the Affidavit and the Acknowledgement are both
13 invalid and unenforceable, and do not create any right, title, or interest in or to the Property.
14 Plaintiffs do not possess any other valid, enforceable right, title, or interest in or to the
15 Property. Now, therefore, it is hereby

16 ORDERED that U.S. Bank’s Motion for Summary Judgment and for Final Judgment
17 Quieting Title and Canceling *Lis Pendens* is GRANTED. It is further

18 ORDERED that U.S. Bank is entitled to the entry of a final judgment quieting title to
19 the Property in U.S. Bank and canceling the *lis pendens* recorded by plaintiffs on January 27,
20 2011 under AFN 4195394.

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ORDER GRANTING U.S. BANK’S MOTION FOR SUMMARY
JUDGMENT AND FOR FINAL JUDGMENT QUIETING TITLE
AND CANCELING LIS PENDENS - 2
(C11-5078RBL)

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The Clerk of the Court is directed to forward copies of the Order to counsel of record and to any party appearing *pro se*.

DATED this 12th day of June, 2012.

Ronald B. Lightner

Ronald B. Leighton
United States District Judge

PRESENTED BY:

s/John A. Knox, WSBA #12707
Marshall Ferguson, WSBA #29528
Attorneys for Plaintiff U.S. Bank, N.A. as Trustee
for Chevy Chase Funding LLC Mortgage Backed
Certificates Series 2006-2
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ORDER GRANTING U.S. BANK'S MOTION FOR SUMMARY
JUDGMENT AND FOR FINAL JUDGMENT QUIETING TITLE
AND CANCELING LIS PENDENS - 3
(C11-5078RBL)

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